

ELECTRONICALLY FILED

10/9/07

STUTMAN, TREISTER &amp; GLATT, P.C.

FRANK A. MEROLA

(CA State Bar No. 136934)

EVE H. KARASIK

(CA State Bar No. 155356)

CHRISTINE M. PAJAK

(CA State Bar No. 217173)

1901 Avenue of the Stars, 12<sup>th</sup> Floor

Los Angeles, CA 90067

Telephone: (310) 228-5600

E-mail: [fmerola@stutman.com](mailto:fmerola@stutman.com)[ekarasik@stutman.com](mailto:ekarasik@stutman.com)[cpajak@stutman.com](mailto:cpajak@stutman.com)

SHEA &amp; CARLYON, LTD.

JAMES PATRICK SHEA

(Nevada State Bar No. 000405)

CANDACE C. CARLYON

(Nevada State Bar No. 002666)

SHLOMO S. SHERMAN

(Nevada State Bar No. 009688)

701 Bridger Avenue, Suite 850

Las Vegas, Nevada 89101

Telephone: (702) 471-7432

E-mail: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

*Counsel for the Official Committee of Equity Security Holders of  
USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re: ) BK-S-06-10725-LBR  
USA COMMERCIAL MORTGAGE COMPANY ) Chapter 11  
Debtor )

In re: ) BK-S-06-10726-LBR  
USA CAPITAL REALTY ADVISORS, LLC, ) Chapter 11  
Debtor )

In re: ) BK-S-06-10727-LBR  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, ) Chapter 11  
Debtor )

In re: ) BK-S-06-10728-LBR  
USA CAPITAL FIRST TRUST DEED FUND, LLC, ) Chapter 11  
Debtor. )

In re: ) BK-S-06-10729-LBR  
USA SECURITIES, LLC, ) Chapter 11  
Debtor. )

## Affects

☐ All Debtors☐ USA Commercial Mortgage Co.☐ USA Securities, LLC☐ USA Capital Realty Advisors, LLC☐ USA Capital Diversified Trust Deed☒ USA Capital First Trust Deed Fund, LLC

DATE: September 28, 2007  
TIME: 1:30 p.m.

1                   **NOTICE OF ENTRY OF ORDER APPROVING STIPULATION FOR**  
2                   **WITHDRAWAL WITH PREJUDICE OF PROOF OF CLAIM NUMBERS 10728-**  
3                   **00092-2, 10728-00098-2, 10727-00044-2, AND 10725-00098-3 FILED B ROBERT**  
4                   **AND BEVERLY CAROLLO**

5                   PLEASE TAKE NOTICE that an Order Approving Stipulation For Withdrawal With  
6                   Prejudice of Proof of Claim Numbers 10728-00092-2, 10728-00098-2, 10727-00044-2, and  
7                   10725-00098-3 Filed B Robert And Beverly Carollo was entered on the 28<sup>th</sup> day of September,  
8                   2007, a true and correct copy of which is attached hereto.

9                   DATED this 9<sup>th</sup> day of October, 2007.

10                   SHEA & CARLYON, LTD.

11                   

12                   CANDACE C. CARLYON  
13                   (Nevada State Bar No. 002666  
14                   SHLOMO S. SHERMAN  
15                   (Nevada State Bar No. 009688)  
16                   701 Bridger Avenue, Suite 850  
17                   Las Vegas, Nevada 89101

Case: 06-10725-lbr

Doc #: 4895

Filed: 09/28/2007

Page: 1 of 3



Entered on Docket  
September 28, 2007

Hon. Linda B. Riegler  
United States Bankruptcy Judge

# LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199  
Email: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)  
Rob Charles NV State Bar No. 006593  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)

Attorneys for USACM Liquidating Trust  
STUTMAN, TREISTER & GLATT, P.C.  
FRANK A. MEROLA (CA 136934)  
EVE H. KARASIK (CA 155356)  
CHRISTINE M. PAJAK (CA 217173)  
1901 Avenue of the Stars, 12<sup>th</sup> Floor  
Los Angeles, California 90067  
Telephone: (310) 228-5600  
Facsimile: (310) 228-5788  
Email: [fmerola@stutman.com](mailto:fmerola@stutman.com)  
[ekarasik@stutman.com](mailto:ekarasik@stutman.com)  
[cpajak@stutman.com](mailto:cpajak@stutman.com)

SHEA & CARLYON, LTD.  
JAMES PATRICK SHEA (NV 000405)  
CANDACE C. CARLYON (NV 002666)  
SHLOMO S. SHERMAN (NV 009688)  
701 Bridger, Suite 850  
Las Vegas, Nevada 89101  
Telephone: (702) 471-7432  
Facsimile: (702) 471-7435  
Email: [jhshea@sheacarlyon.com](mailto:jhshea@sheacarlyon.com)  
[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)  
[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

Counsel for the Official Committee Of Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

ORRICK, HERRINGTON & SUTCLIFFE LLP  
MARC A. LEVINSON (CA 57613, pro hac vice)  
JEFFERY D. HERMANN (CA 90445, pro hac vice)  
400 Capitol Mall  
Sacramento, California 95814  
Telephone: (916) 447-9200  
Facsimile: (916) 329-4900  
Email: [malevinson@orrick.com](mailto:malevinson@orrick.com)  
[jhermann@orrick.com](mailto:jhermann@orrick.com)

SNELL & WILMER, LLP  
ROBERT R. KINAS (NV 006019)  
CLAIRE DOSSIER (NV 010030)  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
Email: [rkinas@swlaw.com](mailto:rkinas@swlaw.com)  
[cdossier@swlaw.com](mailto:cdossier@swlaw.com)

Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,  
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
USA SECURITIES, LLC,

Debtors.

### Affects:

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☒ USA Capital Diversified Trust Deed Fund, LLC  
☒ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR  
CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Order Approving Stipulation for  
Withdrawal with Prejudice of Proof of  
Claim Numbers 10728-00092-2, 10728-  
00098-2, 10727-00044-2, and 10725-00098-3  
Filed by Robert and Beverley Carollo**

Hearing Date: September 28, 2007  
Hearing Time: 1:30 p.m.

1 The Court having considered the Stipulation for Withdrawal with Prejudice of  
2 Proof of Claim Numbers 10728-00092-2, 10728-00098-2, 10727-00044-2, and 10725-00098-3  
3 Filed by Robert and Beverley Carollo (the "Stipulation"), and good cause appearing:

4 IT IS HEREBY ORDERED that the Stipulation is approved.

5 IT IS FURTHER ORDERED, that the following Proofs of Claim are hereby  
6 withdrawn with prejudice:

7  
8 10725-00098-3, filed against USACMC;  
9 10727-00044-2, filed against DTDF;  
10 10728-00092-2, filed against FTDF; and  
11 10728-00098-2, filed against FTDF.

12 IT IS FURTHER ORDERED that Claimants' equity interest in DTDF is allowed in  
13 the amount of \$96,094.65 as of the Petition Date, as reflected in DTDF's books and records.

14 SUBMITTED BY:

APPROVED BY:

15 s/ Rob Charles  
16 SUSAN M. FREEMAN  
17 ROB CHARLES  
18 LEWIS AND ROCA LLP  
19 3993 Howard Hughes Parkway, Suite 600  
20 Las Vegas, NV 89169-0961

s/ Laurel Davis  
LAUREL ELIZABETH DAVIS  
FENNEMORE CRAIG, P.C.  
300 South Fourth Street, Suite 1400  
Las Vegas, Nevada 89101

21 *Counsel for USACM Liquidating Trust*

*Counsel for Robert and Beverley Carollo*

22 ///

23 ///

24 ///

25 ///

26 ///

1 APPROVED BY:

2 s/Robert R.Kinas  
3 ROBERT R. KINAS  
4 CLAIRE DOSSIER  
5 **SNELL & WILMER, LLP**  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169

6 and

7 MARC A. LEVINSON  
8 JEFFERY D. HERMANN  
9 **ORRICK, HERRINGTON & SUTCLIFFE**  
10 **LLP**  
400 Capitol Mall  
Sacramento, California 95814

11 *Counsel for Post-Effective Date USA Capital*  
12 *Diversified Trust Deed Fund, LLC*

APPROVED BY:

s/ Eve Karasik  
FRANK A. MEROLA  
EVE H. KARASIK  
CHRISTINE M. PAJAK, Members of  
**STUTMAN, TREISTER & GLATT, P.C.**  
1901 Avenue of the Stars, 12th Floor  
Los Angeles, CA 90067

and

CANDACE C. CARLYON  
SHLOMO S. SHERMAN  
**SHEA & CARLYON, LTD.**  
701 Bridger, Suite 850  
Las Vegas, NV 89101  
Telephone: (702) 471-7432

*Counsel for the Official Committee of*  
*Equity Security Holders of*  
*USA Capital First Trust Deed Fund, LLC*

13  
14  
15 ###  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26